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2
3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * *

6 VICTOR CAMARGO JUAREZ,

Case No. 3:24-cv-00462-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 TACO BELL, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff Victor Camargo Juarez attempts to sue his current employer,
12 Defendants Taco Bell and Diversified Restaurant Group LLC, for vaguely alleged sexual
13 and racial harassment, along with disability discrimination. (ECF No. 1-1.) Before the
14 Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge
15 Carla Baldwin (ECF No. 7), recommending the Court: (1) grant Juarez’ application to
16 proceed *in forma pauperis* (ECF No. 4 (“IFP Application”)); (2) dismiss his Complaint (ECF
17 No. 1-1) with leave to amend; and (3) deny Juarez’ motion to exempt his case from
18 arbitration (ECF No. 5). To date, no objections to the R&R have been filed. Because there
19 is no objection, and as further explained below, the Court will adopt the R&R.

20 Because there is no objection, the Court need not conduct *de novo* review, and is
21 satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328
22 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
23 recommendations is required if, but *only* if, one or both parties file objections to the
24 findings and recommendations.” (emphasis in original)). Judge Baldwin first recommends
25 granting Juarez’ IFP Application because the information he submitted indicates he
26 cannot pay the filing fee. (ECF No. 7 at 2.) Judge Baldwin next recommends Defendant
27 Diversified Restaurant Group, LLC be dismissed from this case because Juarez includes
28 no allegations against it in his Complaint. (*Id.* at 4.) Judge Baldwin then recommends

Juarez' sexual and racial harassment claims be dismissed with leave to amend because he does not allege he suffered an adverse employment action or facts tending to show causation, nor does he allege any discrimination based on his race. (*Id.* at 5.) Judge Baldwin further recommends dismissing his disability discrimination claim with leave to amend because his Complaint does not address what his requested accommodation was or how his employer failed to accommodate him. (*Id.* at 5-6.) Judge Baldwin further recommends that the Court give Juarez 30 days to file an amended complaint that cures the deficiencies identified in the R&R, or risk dismissal of his claims with prejudice. (*Id.* at 6-7.) Judge Baldwin finally recommends the Court deny Juarez' motion to exclude his case from arbitration given that she also recommends the Court dismiss his Complaint without prejudice. (*Id.* at 7.) Having reviewed the R&R, Judge Baldwin did not clearly err.

It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF No. 7) is accepted and adopted in full.

It is further ordered that Juarez's IFP Application (ECF No. 4) is granted.

The Clerk of Court is directed to file the Complaint (ECF No. 1-1).

It is further ordered that the Complaint (ECF No. 1-1) is dismissed, in its entirety, but with leave to amend as specified in this order and in the R&R.

It is further ordered that, if Juarez chooses to file an amended complaint curing the deficiencies of his Complaint, as outlined in this order and the R&R, Juarez must file the amended complaint within 30 days from the date of entry of this order.

It is further ordered that, if Juarez does not timely file an amended complaint, the Court will dismiss this case with prejudice and without further advance notice to Juarez.

It is further ordered that Juarez's motion to exempt claims from arbitration (ECF No. 5) is denied.

DATED THIS 20th Day of November 2024.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE